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A/ containing the file named "pa_00304.rpt," which is 33,408,800 bytes in size (measured in MS-DOS) and which was created on 12/18/01, are herein incorporated by reference.

Remarks

I. Response to Restriction Requirement

The application presently contains claims 1-9. In the Office Action mailed December 3, 2001, the Examiner required restriction to one of the following inventions under 35 U.S.C. § 121:

Group 1: claim 1, drawn to a purified nucleic acid molecule, classified in class 536, subclass 23.6.

Group 2: claim 2, drawn to a purified cotton protein, classified in class 530, subclass 370.

Group 3: claims 3-9, drawn to a transformed plant, classified in class 435, subclass 419.

Applicants respectfully traverse the restriction requirement, and provisionally elect Group 1 (claim 1) for further prosecution.

Applicants submit that the complete examination of the application would be handled most expeditiously by treating all of the pending claims as a single entity. As Section 803 of the MPEP directs, "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Applicants respectfully submit that the Examiner has not shown that a search and examination of the entire application would cause a serious burden. Rather, a serious burden would arise if the application were restricted.

Applicants submit that the restriction requirement is inappropriate. For example, Applicants contend that, at least, Group 1 and Group 2 should be examined simultaneously

because they are related as nucleic acids and proteins encoded by nucleic acids. Accordingly, examination of Groups 1 and 2 together would pose no undue burden to the Examiner.

Applicants further submit that restriction to a single nucleotide sequence is improper and Applicants believe no serious burden would result by the search and examination of at least ten nucleotide sequences. The Examiner cites M.P.E.P. § 803.04 in support of the requirement to elect a single nucleic acid sequence. However, the eighth edition of the M.P.E.P., released August, 2001, states, “[i]t has been determined that normally ten sequences constitute a reasonable number for examination purposes. Accordingly, in most cases, up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction.” M.P.E.P., eighth edition, § 803.04. However, in order to expedite prosecution of this application, Applicants elect SEQ ID NO: 1 for further examination, with traverse.

Based upon the foregoing, Applicants submit that the restriction requirement is improper and therefore should be withdrawn. To facilitate prosecution, however, Applicants have provisionally elected, with traverse, Group 1 (claim 1 drawn to SEQ ID NO: 1).

II. Response to Notice to Comply with Sequence Rules

In the Office Action at page 4, the Examiner has requested that Applicants amend the sequence listing to comply with the requirements of the sequence rules (37 C.F.R. §§ 1.821-1.825). In response, Applicants respectfully submit a Replacement copy of the Sequence Listing in Computer Readable Form (CRF), along with two (2) copies of Sequence Listings—“COPY 1 REPLACEMENT 12/18/01” and “COPY 2 REPLACEMENT 12/18/01”. The Sequence Listings contain the file called “pa_00304.rpt” which is 33,408,800 bytes in size (measured in MS-DOS)

and which was created on 12/18/01. The sequence listing has been formatted to comply with current 37 C.F.R. § 1.821 et seq. No New Matter enters by this amendment.

The specification has also been amended to provide reference to the sequence listing provided herewith on compact disc (CD-ROM). Support for the sequence listing on CD-ROM is provided by the sequence listing in computer readable form (CRF) as originally filed. No new matter is entered by this amendment.

It is not believed that any extensions of time are required in conjunction with this filing. However, if extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account Number 13-4125, referencing docket number 38-21(51375)B. Applicants likewise authorize a charge to Deposit Account Number 13-4125 for any other fees related to the present application that are not otherwise provided for in the accompanying documents.

Should the Examiner have any questions regarding this application, the Examiner is encouraged to contact Applicants' undersigned representative.

Respectfully submitted,

Lawrence M. Lavin, Jr.

by J. E. Cohan

Lawrence M. Lavin, Jr. (Reg. No. 30,768)

by: June E. Cohan (Reg. No. 43,741)

DATE: December 21, 2001

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